

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MANUEL CUBILLOS,**

**Defendant.**

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**8:05CR251**

**ORDER**

This matter is before the court on defendant's MOTION TO CONTINUE TRIAL (#46). Defendant has substantially complied with NECrimR 12.1, and the court finds that a continuance should be granted in the interest of justice.

**IT IS ORDERED** that defendant's MOTION TO CONTINUE TRIAL (#46) is granted, as follows:

1. Trial of this matter is continued to **December 6, 2005**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 1, 2005 and December 6, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in defendant's motion, and considering the due diligence of counsel. Failure to deny this motion might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED October 24, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**